

**United States District Court
District of New Mexico**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CR 13-3747 WJ

BRIAN ACUNA,

Defendant.

**ORDER OF DETENTION PENDING REVOCATION HEARING ON
ALLEGATIONS OF VIOLATION OF PROBATION OR SUPERVISED RELEASE
(PRESUMPTION OF DETENTION)**

Defendant is before the Court on allegations of violation of conditions of supervised release. A preliminary hearing has been held or waived with the result that probable cause has been found for the pending allegations, which will be scheduled for a revocation hearing. *See* Fed. R. Crim. P. 32.1(b)(1)(C).

A detention hearing was held pursuant to Fed. R. Crim. P. 32.1(a)(6) and 18 U.S.C. § 3143(a)(1). Upon the record of that hearing, the Court finds:

The applicable guideline promulgated under 28 U.S.C. § 994 does recommend a term of imprisonment and so a presumption of detention applies. 18 U.S.C. § 3143(a)(1).

In addition, there is not clear and convincing evidence that the defendant is not likely to flee or pose a danger to the safety of any other person or the community if released under 18 U.S.C. §§ 3142(b) or (c) and so the presumption of detention is not overcome. 18 U.S.C. § 3143(a)(1).

Therefore, the defendant is remanded to custody of the United States Marshal's Service pending further proceedings.

Directions regarding detention: The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Date: 11/20/2023



United States Magistrate Judge